

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-CR-20582

v.

MICHAEL BURT,

Hon. John Corbett O'Meara

Defendant.

**ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS ON APPEAL**

Before the court is Defendant's application to proceed *in forma pauperis* on appeal.

Defendant is appealing from the court's November 2, 2011 order to continue supervision. The court found Defendant guilty of violating the conditions of his supervised release and added the following condition: "The offender is to cooperate with the IRS and properly sign the required 1040 tax forms for the affected years within one week or serve a six-month custodial term with the Bureau of Prisons."

A court may grant *in forma pauperis* status if the court finds that an appeal is being taken in good faith. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24 (a); Foster v. Ludwick, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). Good faith requires a showing that the issues raised are not frivolous. Id. In the present case, the court will DENY Plaintiff leave to appeal *in forma pauperis*, because the appeal would be frivolous. See Allen v. Stovall, 156 F. Supp. 2d 791, 798 (E.D. Mich. 2001).

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: December 13, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 13, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager